IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1820 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/07/2004 in WP NO : 19746 OF 2003 on the file of the High Court.)

Between:

Mrs. M.B. Jayanathi, Incharge Principal, CBM, Junior College for Women, Kakinada, East Godavari District.

..... APPELLANT

AND

1 Mrs. P. Rekha Evangeline, Junior Lecturer, CBM, Junior College for Women, Kakinada, East Godavari District.
2 The Commissioner and Director of Intermediate Education, Nampally, Hyderabad.
3 The Regional Joint Director of Intermediate Education, East Godavri District, Rajahmundry.
4 The District Vocational Edcational Officer, Rajahmundry, East Godavari District.
5 The Correspondent, CBM, Junior College for Women, Kakinada, East Godavari District.
6 The Principal Secretary to Government, Higher Education, Secretariat, Hyderabad.
7 The Chief Secretary to Government of Andhra Pradesh, Hyderabad
(RR 6 and 7 are impleaded as per Court order dt. 16-4-2004 in W.P.No. 19746 of 2003).

.....RESPONDENTS

Counsel for the Appellant: MR.R.K.SURI

Counsel for the Respondent No.1: MR.M.SURENDER RAO

Counsel for the Respondents 2 to 4 and 6 and 7: G.P.FOR HIGHER EDUCATION.

Counsel for the Respondent No.5: Mr.D.V.SITARAMA MURTHY.

WRIT APPEAL NO : 1836 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/07/2004 in WP NO : 19746 OF 2003 on the file of the High Court.)

Between:

The Correspondent, C.B.M. Jr. College for Women, Kakinada, East Godavari District.

..... APPELLANT

AND

1 P. Rekha Evangeline, W/o. A. David Jaya Raju, J.L. in History, C.B.M. Jr. College for Women, Kakinada, E.G.District.
2 The Commissioner and Director of Intermediate Education, Nampally, Hyd.
3 The Regional Jt. Director of Intermediate Education, E.G. District, Rajahmundry.
4 The District Vocational Educational Officer, Rajahmundry, E.G.District.
5 Mrs. M.B. Jayanthi, Incharge Prl. C.B.M. ' Jr. College for Women Kakinada, E.G.District.
6 The Prl. Secretary to Government, Higher Education, Secretariat, Hyderabad.
7 The Chief Secretary to Government of A.P., Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: MR.D.V.SITARAMAMURTHY

Counsel for the Respondent No.1: MR.M.SURENDER RAO

Counsel for the Respondents 2 to 4 and 6 and 7: G.P.FOR HIGHER EDUCATION.

Counsel for the Respondent No.5: MR.R.K.SURI.

The Court made the following:

COMMON ORAL ORDER: (By GB.J.)

Both the Writ Appeals arise out of the order passed by the learned single Judge in Writ Petition No.19746 of 2003, dated 20.7.2004.

2. The matter relates to appointment to the post of Principal in C.B.M. Junior College for Women, Kakinada, East Godavari District. While Mrs.M.B.Jayanthi claims to be senior, equally Mrs.P.Rekha Evangeline also claims the post of Principal on the basis that she is the senior. The learned single Judge, however, taking into consideration the respective claims, disposed of the Writ Petition with the following directions:

> "The Writ Petition is accordingly allowed with costs payable to the petitioner by the 4th respondent. Now that the Government has already nominated the Regional Joint Director of Intermediate Education, Rajahmandry (2nd respondent) as a Government nominee to be in the Selection Committee for selection to the post of Principal of the 4th respondent-College as per Rules in force, the respondents 2 and 4 are directed to fill up the post of the Principal by promotion from among the senior most Junior Lecturers, within two months from the date of receipt of this order".

Aggrieved by the said order, the 5th respondent in the Writ Petition as also the Management of the College filed the above Writ Appeals.

3. The grievance of the writ appellants is that though learned single Judge recorded a finding with regard to the seniority of the 1st respondent-Mrs.Rekha Evangeline, while in fact there was no such determination of seniority at any point of time and therefore the learned single Judge ought not to have recorded such a finding. Admittedly the petitioner is the senior most Junior Lecturer in the College.

4. We are now informed that no final seniority list has been prepared so far inter se Junior Lecturers so as to consider their case for

promotion to the post of Principal. Under those circumstances we are inclined to set aside the observation of the learned single Judge to the effect that the writ petitioner is senior most Lecturer working in the College.

5. Accordingly both the Writ Appeals are disposed of directing the 5th respondent-Management of the College to finalise the seniority among the Junior Lecturers and thereafter promote the eligible candidate to the post of Principal in accordance with the Rules. This exercise shall be done within a period of two (02) months from the date of receipt of a copy of this order. No costs.

6. Till the Principal is appointed as directed above, status quo with regard to the functioning of in-charge Principal as on date shall be continued.

(G.BIKSHAPATHY, J.)

29th November, 2004.

(B.SESHASAYANA REDDY, J.)

SSR

Issue copy in three (3) days.

(BO)

To

1 The Correspondent, CBM, Junior College for Women, Kakinada, East Godavari District.
2 The Commissioner and Director of Intermediate Education, Nampally, Hyd.
3 The Regional Jt. Director of Intermediate Education, E.G. District, Rajahmundry.
4 The District Vocational Educational Officer, Rajahmundry, E.G.District.
5 The Prl. Secretary to Government, Higher Education, Secretariat, Hyderabad.
6 The Chief Secretary to Government of A.P., Hyderabad.

7 G.P. for Higher Education, High Court of A.P. (OUT).

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